Thereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on February 11, 2004.

Bryan M. Taylor P55668
Name of Attorney Registration No.

Registration No.

REB 1 7 2004

REGISTRACE NOTE: Description of Address of

mage A/1761

P&G Case 8270

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of

Raul Nunes et al.

: Confirmation No. 3412

Serial No. 09/939,237

Group Art Unit 1761

Filed: August 24, 2001

Examiner: Helen F. Pratt

For BEVERAGE COMPOSITIONS COMPRISING ARABINOGALACTAN AND DEFINED

VITAMINS

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals under 37 CFR 1.191(a) to the Board of Appeals and Interferences from the last decision of the Examiner dated November 18, 2003 finally rejecting Claims 17 - 28. The fee for this Notice of Appeal is \$330.00 (37 CFR 1.17(b)).

The Director is hereby authorized to charge the above fees, or any additional fees that may be required, or credit any overpayment to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. An additional copy of this Notice is enclosed for that purpose.

Respectfully submitted,

D

Bryn M(Taylor

Attorney or Agent for Applicant(s)

Registration No. P55668

(513) 634-2084

February 11, 2004

Customer No. 27752

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FEE TRANSMITTAL	Complete if Known			
TOT FY 2004	Application Number	09/939,237		
Patent feed re subject to annual revision.	Confirmation Number	3412		
	Filing Date	August 24, 2001		
FEB CATE TRACE	First Named Inventor	Raul Nunes, et al.		
18 111	Examiner Name	Helen F. Pratt		
	Art Unit	1761		
TOTAL AMOUNT OF PAYMENT (\$)330.00	Attorney Docket No.	8270		

METHOD OF DAVIMENT	EFE CALCULATION (4' I)			
METHOD OF PAYMENT	FEE CALCULATION (continued)			
1. [X] The Director is hereby authorized to charge indicated fees	3. ADDITIONAL FEES			
submitted on this form, credit any over payments, and charge any	Code (\$) Fee Description Fee Paid			
additional fee(s) during the pendency of this application to:	1051 130 Surcharge-late filing fee or oath			
Deposit Account Number: 16-2480	1052 50 Surcharge-late provisional filing fee or cover sheet			
Deposit Account Name: The Procter & Gamble Company	1053 130 Non-English specification			
Soposition and the state of the	1812 2,520 For filing a request for ex parte reexamination			
	1804 920* Requesting publication of SIR prior to			
	Examiner's action			
FEE CALCULATION	1805 1,840* Requesting publication of SIR after			
	Examiner's action []			
1. BASIC FILING FEE - Large Entity	1251 110 Extension for reply within 1 st month []			
	1252 420 Extension for reply within 2 nd month			
Code (\$) <u>Fee Description</u> <u>Fee Paid</u>	1253 950 Extension for reply within 3 rd month			
1001 770 Utility filing fee []	1254 1,480 Extension for reply within 4th month			
1002 340 Design filing fee []	1255 2,010 Extension for reply within 5 th month			
1004 770 Reissue filing fee []	1401 330 Notice of Appeal [X]			
1005 160 Provisional filing fee []	1402 330 Filing a brief in support of an appeal			
	1403 290 Request for oral hearing			
SUBTOTAL (1) (\$)	1451 1,510 Petition to institute a public use proceeding []			
	1452 110 Petition to revive - unavoidable []			
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE - Large Entity	1453 1,330 Petition to revive - unintentional []			
	1501 1,330 Utility issue fee (or reissue)			
Extra Fee from Fee	1502 480 Design issue fee []			
Claims Below Paid	1460 130 Petitions to the Commissioner [] 1807 50 Processing fee under 37 C.F.R. 1.17(a)			
Total Claims $\begin{bmatrix} -20^{**} = \begin{bmatrix} x & \end{bmatrix} = \begin{bmatrix} \\ \end{bmatrix}$ Independent Claims $\begin{bmatrix} -3^{**} = \end{bmatrix} \times \begin{bmatrix} \\ \end{bmatrix} = \begin{bmatrix} \end{bmatrix}$				
Independent Claims [] - 3** = [] x [] = [] Multiple Dependent [] = []	1806 180 Submission of Information Disclosure Statement [] 1809 770 Filing a submission after final rejection			
** or number previously paid, if greater; For Reissues, see below	(37 CFR § 1.129(a))			
of humber previously part, it greater, for iterssues, see below	1810 770 For each additional invention to be			
Code (\$) Fee Description	examined (37 CFR §1.129(b)			
1202 18 Claims in excess of 20	1801 770 Request for Continued Examination (RCE)			
1201 86 Independent claims in excess of 3	1802 900 Request for expedited examination			
1	of a design application			
1203 290 Multiple dependent claim, if not paid	1454 1330 Acceptance of unintentionally delayed claim for			
1204 86 **Reissue independent claims over original patent	priority under 35 U.S.C. 119, 120, 121, or 365 (a) or (c)			
1205 18 **Reissue claims in excess of 20 & over original patent				
	Other fee (specify)			
	Other fee (specify)			
SUBTOTAL (2) (\$)[]	* Reduced by Basic Filing Fee Paid SUBTOTAL(3) (\$) [330]			

SUBMITTED BY				Compl	Complete (if applicable)	
Name (Print/Type)	Bryn M. Taylor	Registration No. (Attorney/Agent)	P55668	Telephone	(513) 634-2084	
Signature	Burn M. Tar			Date	02/11/2004	

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 12 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Officer, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Feetrans.doc (Revised for P&G use 9/22/2003)